82-199

Office - Supreme Court, U.S.
FILED
JUN 15 1982
ALEXANDER L. STEVAS,
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In the Supreme Court of the United States

October Term,1981

Donald M. Valerino PhD

Petitioner

vs.

Linda E. Valerino

Respondent

Petition for a Writ of Certiorari

to the Maryland Court of Appeals

Donald M. Valerino PhD

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Dated: July30,1982

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Petitioner, Donald M. ValerinoPhD,prays that a Writ of Certiorari issue to review the judgment and opinion of the Maryland Court of Appeals entered in this cause on March 22,1982.

QUESTIONS PRESENTED

1.Whether,consistent with the First Amendment, a Court may deny a defendant the

right to exercise freedom of speech by preventing the defendant from testifying at a judicial proceeding.

2. Whether,consistent with the First and Fifth Amendments a State Court of Appeals may adopt a standard which permits the abrogation of a defendant's right to speak and fair trial, in the absence of any statute enacted by Congress.

3. Whether,consistent with the Fifth and Fourteenth Amendments, a State Court of Appeals can deny a Writ of Certiorari if such review is desirable and in the public interest. Whether a State Court of Appeals can prevent a defendant from testifying at a judicial proceeding and obtaining fair trial by invoking a rule that is arbitrary and in conflict with the U.S. Constitution. That such conflict is extant when disputes arise cver the desirable character of a Writ of

certiorari. That such conflict prevents a fair and equitable resolution of issues presented to a Court of Appeals.

4. Whether, consistent with the Fifth and Fourteenth Amendments, a Court may permit the deprivation of life , liberty and property without due process of law Whether due process was prevented in this cause by denying a Petition for Writ of Certiorari on grounds that such review is not desirable or in the public interest

5. Whether, consistent with the First, Fifth, and Fourteenth amendments a Court may allow the use of instruments that may interfere with a defendant's speech, the conduct of judicial proceedings and the testimony of parties to legal actions. Whether a Court can perpetuate the use of such instruments by invoking rules that deny testimony on the illegality of such instruments.

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OPINIONS BELOW

The opinion delivered by the Court of Appeals that denied Writ of Certiorari on grounds that the review is not in the

public interest or desirable is appended on page . Copies of other opinions are appended. Reference is made to these opinions in the text of this Petition.An order dismissing this petitioner's original appeal by the Maryland Courtof Special Appeals is appended.Decisions of the Maryland Circuit Court are appended. These latter decisions were a basis for this Petitioner's original appeal.

GROUNDS ON WHICH JURISDICTION IS INVOKED

The judgment to be reviewed is the order of the Maryland Court of Appeals dated March 22,1982 that denied a Writ of Certiorari to the Maryland Court of Special Appeals. Jurisdiction to review this decision is pursuant to 28 U.S.C. partV;Rule 19(1) Rules of the Supreme Court:adopted April 14,1980;part V Rule 17-Jurisdiction-U.S. Supreme Court.

CONSTITUTIONAL PROVISIONS

U.S. Constitution-1st Amendment

" Freedom of religion, speech and press peaceful assemblage petition of grievance"

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise of speech thereof: or abridging the freedom of speech or of the press or the right of the people to assemble and to petition the government for a redress of grievances.

U.S. Constitution-5th Amendment

" No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger nor shall any person be subject for same offence to be

twice put in jeopardy of life or limb nor shall be compelled in any criminal case to be a witness against himself nor be deprived of life,liberty or property without due process of law, nor shall private property be taken for public use without just compensation.

U.S. Constitution-14th Amendment

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life liberty or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

This case derives from a proceeding Divorce a Mensa et Thoro filed by the respondent, Linda E. Valerino in the Circuit Court for Montgomery County, the State of Maryland. This Petitioner has contested custody and property actions decided by this Court. This Petitioner has also attempted to have said cause dismissed so that legal actions could be pursued in the State of New York, the residence of both parties to this dispute.

In the Petitioner's Motions for the Dismissal of said cause, it was stated that geographic limitations did not permit facile transmittal or timely receipt of documents necessary for the proper and just adjudication of this cause. It was also stated that the respondent Linda E. Valerino, moved from the State of Maryland when legal proceedings in the

state were on-going. Such departure from the jurisdiction of the State, placed an undue burden on the Petitioner who defended this cause Pro Se and who left the State to be near his children.

A Motion for Dismissal , brought by the Petitioner , was decided by Judge Calvin Sanders (August 10,1981).In his order, dismissal of said cause was denied Later, Judge David Cahoon ordered a decree of Divorce on August 13,1981. In this decree the custody of two minor children was awarded to the respondent This Petitioner contested portions of the decree including custody and the property settlement. A basis for the dispute was that the decisions were made absent the testimony and the appearance of the Petitioner. This Petitioner had previously informed the Court that professional duties prevented

his appearance at the hearing in the State of Maryland. Both the decree and the dismissal issue were appealed to the Maryland Court of Special Appeals. These Appeals were based in part on errors in due process and equal protection of the laws. Inherent to this Appeal was the difficulty in obtaining court documents the timely receipt of documents and the difficulty in acquiring information on Maryland Court rules. Since Maryland was approximately 500 miles away from the residence of both parties, travel was not facile. In his appeal,, interference with Pro Se proceedings was emphasized. The need to provide testimony and the significance of such was clearly stated by the Appellant. In an order that was dated December 24,1981, the Court of Special Appeals dismissed said Appeal.

This Petitioner then asked that a Writ

of Certiorari be granted by the Court of Appeals, State of Maryland to review the decision of the Maryland Court of Special Appeals. Constitutional questions were presented in this Petition for Writ of Certiorari. These questions pertained to due process and equal protection of the laws. The Petitioner explained to the Court of Appeals that this cause is in the public interest and desirable to be reviewed. Close examination of issues pertinent to the cause must be done by a Court of Law because of their impact and significance to judicial proceedings throughout the United States. A leading question brought to the attention of the Court is whether any Court can allow harm to be inflicted, indirectly or directly, upon a party to a legal proceeding. The Maryland Court of Appeals is a Court of Last Resort in this dispute.

REASONS FOR GRANTING THE WRIT

At issue in this dispute, is a standard imposed by a State Court of Appeals that was used to terminate appellate actions instituted by this petitioner. Although this cause presents urgent issues of overriding importance, a State Court of Appeals has refused to review a Petition for Writ of Certiorari because they concluded that it was not desirable and in the public interest. Such restraint on due process and freedom of speech raises serious and profound questions about its Constitutional validity.

Inherent to this dispute are issues of fundamental importance to society and to judicial processes. These issues are:

1. Custody and property issue The Petitioner was not given custody of his two minor children and was deprived of property as a result of a Court decision

in a County Circuit Court. Geographic and other restrictions prevented this Petitioner from testifying in this matter; due process and fair trial were abrogated.

2. Coercion and the Judicial Process

Throughout these proceedings, adverse acts have occurred that have prevented the Petitioner from seeking and obtaining counsel , obligatory documents and fair trial. These acts include, but are not restricted to, prolonged unemployment despite professional achievement, the unremitting destruction and modification of personal property to the detriment of the Petitioner, and the use of instruments that affect judgmental processes. The latter pertains to those electronic devices that directly or indirectly may alter biochemical and physiologic processes. Their impact on

litigation, the judiciary, plaintiffs and defendants must be considered. Courts of law must allow for free and open debate and discussion on the characteristics and consequences of any agent that may alter a judicial process. To the contrary a Court has prevented this by stating that such discussion and testimony is not in the public interest or desirable.Our free society and judicial system could be impaired by neglect of such issue.

3. Chemical Issue This Petitioner was administered a near fatal dose of a chemical. The respondent was not a party to such act. However, it is possible that another party having interest in these proceedings may have been partly responsible. It is erroneous and dangerous for any Court to state it is

not in the public interest. Courts of law have a responsibility to help curb such harmful acts. This petitioner desires a hearing where he may be allowed to state facts and express the foregoing. A goal is to obtain custody of his children and regain property that was taken from him. A restriction on speech, appeal and testimony will only perpetuate the acts described previously.

CONCLUSION

For all of the foregoing reasons,a Writ of Certiorari should issue to review the judgment and opinion of the Maryland Court of Appeals.

Respectfully submitted

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Dated: July30,1982